

**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3682
Docket No.: 122.1046CD2**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tokimori TOMITA, et al.

Serial No. 10/603,832

Group Art Unit: 3682

Confirmation No. 4081

Filed: June 26, 2003

Examiner: Raquel Alvarez

For: SERVICE POINT MANAGEMENT SYSTEM FOR USE IN SALES PROMOTION
SERVICES

AMENDMENT AFTER FINAL REJECTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

This is in response to the Office Action mailed December 27, 2011, and having a period for response set to expire on March 27, 2012.

A Petition for a one-month extension of time together, with the requisite fee for same, is submitted herewith, thereby extending the period for response to April 27, 2012.

Reconsideration of the claims is respectfully requested. The following remarks are respectfully submitted.

A Request for Continued Examination is submitted herewith.

IN THE CLAIMS:

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~strikethrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please AMEND claims in accordance with the following:

1-13. (CANCELLED)

14. (CURRENTLY AMENDED) A point management system employing a computer on a store side for managing points issued to each customer and providing an electronic information service which is available with the customer's cumulative issued points, and connected via a public communication circuit to a customer terminal owned by the customer for displaying the electronic information, comprising:

a point issue unit on the store side configured to issue points to a customer according to a transaction performed by the customer;

a point calculating unit on the store side configured to update the customer's cumulative issued points, ~~converts-convert~~ predetermined points into a time period ~~associated with~~ necessary to provide ~~providing-the~~ electronic information service ~~[[for]]when~~ redeeming the customer's cumulative issued points, and decrease the customer's cumulative issued points ~~according to~~ in correspondence with a time spent ~~[[for]]~~ providing the electronic information service in response to the customer's request by redeeming the customer's cumulative issued points;

a service providing unit provides at least any of video information, voice information, software information, music information and database information as the electronic information service for redeeming the customer's cumulative issued points to the customer terminal through the communication circuit; and

wherein the point calculating unit provides information of the decreased customer's cumulative issued points in proportion to the time period ~~associated with~~ lapsed during the time spent providing the electronic information service, to the customer terminal which displays the decreased customer's cumulative issued points during the time the electronic information service for redeeming the customer's cumulative issued points is provided to the customer

terminal.

15. (CANCELLED)

16. (CANCELLED)

17. (CURRENTLY AMENDED) A method of point management executed by a computer on a store side to manage points issued to each customer and provide an electronic information service which is available with the customer's cumulative issued points, to a customer terminal owned by the customer connected via a public communication circuit for displaying the electronic information comprising:

issuing, on the store side, points to a customer according to a transaction performed by the customer;

calculating, on the store side the customer's cumulative issued points, converting predetermined points into a time period ~~associated with providing~~necessary to provide the electronic information service ~~[[for]]~~when redeeming the customer's cumulative issued points, and decreasing the customer's cumulative issued points in ~~response to~~correspondence with a time spent ~~[[for]]~~ providing the electronic information service according to the customer's request by redeeming the customer's cumulative issued points;

providing, on the store side, at least any of video information, voice information, software information, music information and database information as the electronic information service for redeeming the customer's cumulative issued points to the customer terminal owned by the customer through the public communication circuit; and

providing, on the store side information of the decreased customer's cumulative issued points in proportion to the time period ~~associated with~~lapsed during the time spent providing the electronic information service, to the customer terminal which displays the decreased customer's cumulative issued points during the time the electronic information service for redeeming the customer's cumulative issued points is provided to the customer terminal.

18. (CANCELLED)

19. (CANCELLED)

20. (CURRENTLY AMENDED) A point management apparatus on the store side for managing points issued to each customer and providing an electronic information service which is available with the customer's cumulative issued points, and connected via a public communication circuit to a customer terminal owned by the customer for displaying the electronic information, comprising:

a point issue unit on the store side configured to issue points to a customer according to a transaction performed by the customer;

a point calculating unit on the store side configured to update the customer's cumulative issued points, ~~converts~~ convert predetermined points into a time period ~~associated with~~ providing necessary to provide the electronic information service ~~[[for]]~~ when redeeming the customer's cumulative issued points, and decreases the customer's cumulative issued points ~~according to~~ in correspondence with a time spent ~~[[for]]~~ providing the electronic information service in response to the customer's request by redeeming the customer's cumulative issued points;

a service providing unit on the store side configured to provide at least any of video information, voice information, software information, music information and database information as the electronic information service for redeeming the customer's cumulative issued points to the customer terminal owned by the customer through the public communication circuit; and

wherein the point calculating unit provides information of the decreased customer's cumulative issued points in proportion to the time period ~~associated with~~ lapsed during the time spent providing the electronic information service for redeeming the customer's cumulative issued points, to the customer terminal which displays the decreased customer's cumulative issued points during the time the electronic information service is provided to the customer terminal.

21. (CANCELLED)

22. (CANCELLED)

23. (CURRENTLY AMENDED) A computer readable recording medium having a program stored therein to cause a computer connected to a customer terminal owned by the customer via communication circuit to execute operations, said operations comprising:

issuing, on the store side, points to a customer according to a transaction performed by

the customer;

calculating, on the store side the customer's cumulative issued points, converting predetermined points into a time period ~~associated with providing necessary to provide an~~ electronic information service ~~[[for]]~~when redeeming the customer's cumulative issued points, and decreasing the customer's cumulative issued points ~~according to in correspondence with a~~ time spent ~~[[for]]~~ providing the electronic information service in response to the customer's request by redeeming the customer's cumulative issued points;

providing, on the store side at least any of video information, voice information, software information, music information and database information as the electronic information service for redeeming the customer's cumulative issued points to the customer terminal owned by the customer through the public communication circuit; and

providing information of the decreased customer's cumulative issued points in proportion to the time period ~~associated with~~lapsed during the time spent providing the electronic information service, to the customer terminal which displays the decreased customer's cumulative issued points during the time the electronic information service for redeeming the customer's cumulative issued points is provided to the customer terminal.

24. (CANCELLED)

25. (CANCELLED)

26. (CURRENTLY AMENDED) A computer readable recording medium having a program stored therein to cause a computer on a store side to execute operations, said operations comprising:

converting, on the store side cumulative points issued to a customer to a time period value necessary to transmit ~~during which an electronic service may be transmitted~~ in response to a request by the customer by redeeming the points; and

decreasing, on the store side predetermined points in proportion to a lapse of the time period during which the electronic service ~~for redeeming the customer's cumulative issued points~~ is transmitted to the customer as requested, where the electronic service transmits at least any of video information, voice information, software information, music information and database information to a terminal of the customer owned by the customer via a public communication circuit.

27. (PREVIOUSLY PRESENTED) The computer readable medium according to claim 23, wherein points are deducted from the customer's cumulative points in correspondence to an amount of time lapsed during the time period the electronic information service is provided to the customer terminal.

REMARKS:

In the Office Action the Examiner noted that claims 14, 17, 20, 23, 26 and 27 are pending in the application, and the Examiner rejected all claims.

By this Amendment, pertinent claims have been amended. No new matter has been presented. Claims 1-13, 15, 16, 18, 19, 21, 22, 24 and 25 remain cancelled.

Thus, claims 14, 17, 20, 23, 26 and 27 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC §103:

In the Office Action the Examiner rejected claims 14, 17, 20, 23, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,684,195 (Deaton) in view of Official Notice.

The Examiner appears to equate the reduction of value of an incentive in Deaton over a preselected time interval with the claimed invention of decreasing points based on "time spent providing the electronic information service." Applicants respectfully disagree with this assertion as the "reduction of value of the incentive" for non-use of the incentive in Deaton is merely directed to reduction of incentive over a preselected time interval (reduce incentive if non-use by the user). When considering this feature of Deaton in its entirety, Deaton teaches away from the claimed invention of decreasing points in correspondence with "time spent providing the electronic information service."

Deaton explicitly states:

"Once the system monitors a customer's subsequent activity, subsequent to the incentive, then the system can record the response. The system may then have a preset criteria of response and if that customer meets the preset response criteria, the system may either maintain that incentive over a preselected time interval or may initially or subsequently reduce that incentive over a preselected time interval. If the response criteria is favorably met, and the retail store is happy with the performance by the customer, then **the store can either maintain or reduce or maintain and subsequently reduce the value of the incentive.** On the other hand, if the customer fails to meet the response criteria, as is often the case, the incentive may be increased or changed" (emphasis added)

".... If the customer meets that response criteria, the store can either maintain that incentive over a preselected time or the store can reduce that incentive over a preselected time either immediately or subsequently. Alternatively, the store can

maintain the incentive a while and then choose to increase it or the store can increase the incentive if the customer has not favorably met a response criteria..."

As can be seen from above, the Deaton system does not teach or suggest decreasing points in proportion to "the time period lapsed during the time spent providing the electronic information service." Instead, Deaton reduces the incentive based on non-use period.

Independent claim 14, by way of example, recites features that "convert predetermined points into a time period necessary to provide the electronic information service when redeeming the customer's cumulative issued points, and decrease the customer's cumulative issued points in correspondence with a time spent providing the electronic information service in response to the customer's request by redeeming the customer's cumulative issued points." For at least the reasons set forth herein, Deaton and the Official Notice do not teach or suggest at least these features.

The Examiner maintains the assertion of Official Notice. Previously presented arguments regarding the inappropriate use of Official Notice is incorporated herein. More specifically, supporting evidence related to the claimed invention has not been provided to support the Official Notice rejection that generally alleges that providing services electronically is well known.

Even assuming that the Official Notice teaches the features as asserted by the Examiner, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to use the teachings of Deaton directed to use of a point of sales (POS) terminal who accounts for customers who purchased goods at a shopping store with providing service electronically outside of the store.

According to MPEP 2143.01, the modification proposed in the Office Action cannot render the prior art unsatisfactory for its intended purpose. *In re Gordon*, 221 USPQ 1125 (Fed. Cir. 1984). Assuming, *arguendo*, that the teachings of Deaton and Official Notice could be combined, it is not possible for the Deaton system to reduce incentives for non-use and electronically provide the services using the incentives.

It is respectfully submitted that the independent claims are patentably distinguishable over Deaton and the Official Notice.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independent patentable. For example, neither Deaton nor the Official Notice, teach or suggest

"points are deducted from the customer's cumulative points in correspondence to an amount of time lapsed during the time period the electronic information service is provided to the customer terminal", as recited in claim 27.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 04/27/2012

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